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Licensee.

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the public from unsafe nursing practices and practitioners, the Board hereby makes the following:

### **FINDINGS OF FACT**

1. That Karmyn Gluhm is licensed to practice as a registered nurse in the state of South Dakota and holds license number R041875.
2. That in December 2010, Licensee was referred to HPAP by the University of South Dakota School of Nursing due to Licensee having a drinking and driving charge (first offense) in October 2010. The school of nursing required Licensee to be involved in HPAP until graduation, or May 2011.
3. Licensee did not graduate as expected in May 2011.
4. On March 7, 2011, Licensee completed her substance use evaluation at Capitol Area Counseling in Pierre. No diagnosis was made and she was recommended to abstain from all non-prescribed or mood altering substances and to complete a 12 hour driving under the influence class.
5. Licensee began participation in HPAP in May 2011.
6. Licensee's original participation agreement with HPAP required a six month rule out risk.
7. Licensee had compliance problems with HPAP from the start. Licensee expressed her anger to Maria Eining in September 2011 regarding her continued HPAP participation, but agreed to continue with Capitol Area Counseling.
8. Licensee graduated from nursing school in May 2012.

9. On June 15, 2012, Licensee's compliance in HPAP was addressed due to her having missed appointments with her counselor, missed check-ins for drug testing and for not providing prescription medication information in a timely manner.

10. After passing the NCLEX exam in July 2012, Licensee became employed as an RN at St. Mary's Hospital and Healthcare Center as well as Kelly's Retirement Center in Pierre, South Dakota.

11. On August 12, 2012, Licensee's compliance was again reviewed with HPAP and it was recommended that her participation be extended to one year of full compliance with the program.

12. On August 2, 2013, Licensee's drug screen was positive for Tramadol. It was confirmed by the Licensee on August 22, 2013, that she did not have a prescription for Tramadol.

13. Licensee's explanation for testing positive for Tramadol was that she was on a trip with a friend when she felt a headache coming on and the friend gave her what she thought was Tylenol, but then later suggested that maybe it was a Tramadol.

14. Licensee's worksite monitors at her places of employment were not concerned with any missing Tramadol at that time.

15. Licensee's non-compliance was reported to the Board, which, on November 14, 2013, issued the Licensee a Letter of Concern and mandated her to HPAP for a period of five (5) years. Licensee's nursing license was restricted to a single state license only.

16. In January 14, 2014, the Licensee's worksite monitor reported that the Licensee was missing deadlines, was unreliable and could not be depended upon, but that it was due to Licensee having too much to do with other jobs. Licensee showed an inability to complete required monthly tasks.

17. In March 2014, HPAP's staff spoke with Licensee's worksite monitor, who reported the Licensee was working fewer hours so was unable to complete her work. She was leaving jobs undone and passing off her charting to other nurses. These concerns were discussed with the Licensee who became defensive and discredited the feedback of the worksite monitor.

18. Licensee's June report showed some improvement and contained no further indication of prior problems.

19. On August 4, 2014, Licensee was out of compliance with HPAP in regard to her quarterly review meetings. HPAP staff attempted to contact Licensee by phone with no response. Licensee did not respond to any letters from HPAP. In addition, her counselor reported to HPAP that on July 24, 2014, Licensee did not come in for her June appointment.

20. As a result of Licensee's non-compliance, the Board, on December 11, 2014, issued Licensee a second Letter of Concern regarding her non-compliance with HPAP.

21. On December 29, 2014, Licensee checked into the Affinity system and was selected to test, but did not do so. Again, Licensee did not contact HPAP to discuss the reason for her failure to test. In addition, HPAP was unable to leave a message on her phone as it would not accept messages.

22. HPAP requested a voluntary refrain from practice from the Licensee on January 7, 2015.

23. On January 12, 2015, HPAP sent a letter to the Board advising that the Licensee had missed five check-ins in the month of December 2014.

24. On February 27, 2015, HPAP issued a letter to the Licensee discharging her from the program.

25. In reviewing all of Licensee's quarterly reports for HPAP participation, Licensee was non-compliant for nine out of thirteen quarters of her participation.

From the foregoing findings of fact, the Board draws the following:

#### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction and authority over this matter pursuant to SDCL 36-9-1.1 and 36-9-49

2. That the Licensee's conduct as identified in the findings of fact is inconsistent with the health and safety of those persons entrusted to her care and violates statutes and rules and regulations regarding the practice of nursing and are in violation of SDCL § 36-9-49 (4), (5), (7) and (10).

THEREFORE, let an order be entered accordingly.

#### **ORDER**

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

1. That the Licensee's license to practice nursing in the State of South Dakota is hereby indefinitely suspended.

2. The Licensee shall turn in her license to the Board within ten (10) days from the date of this order.


3. That the Licensee is hereby notified that any practice as or holding herself out as a registered nurse during the term of this suspension is in violation of SDCL § 36-9-69.

4. That Licensee may petition for reinstatement of her license at any time for "good cause" pursuant to SDCL § 36-9-57.

The South Dakota Board of Nursing at its meeting on the 11<sup>th</sup> day of June, 2015, approved this Order of Suspension as written by a vote of 11-0, and issues its Order of Suspension consistent herein.

IT IS HEREBY ORDERED that the above Order of Suspension is adopted as an Order of the South Dakota Board of Nursing on this 22<sup>nd</sup> day of June, 2015.

SOUTH DAKOTA BOARD OF NURSING

  
Gloria Damgaard, RN, MS  
Executive Director